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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/502,490	02/11/2000	Christopher Scott Weber	07099.0773	5232

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EXAMINER

KARMIS, STEFANOS

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 09/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/502,490

Applicant(s)

WEBER, CHRISTOPHER SCOTT

Examiner

Stefano Karmis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 14.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

1. This communication is in response to Applicant's amendment filed on July 3, 2003. The rejections are as stated below.

#### ***Status of Claims***

2. Of the original claims 11-13, claims 12 and 13 have been amended in the same amendment. Claims 14 and 15 have been added as new claims.

#### ***Summary of this Office Action***

3. Applicants' arguments filed on July 3, 2003 have been fully considered, and discussed in the next section below or within the following rejection are not deemed to be persuasive. Therefore, claims 11-15 are rejected as being unpatentable over the art cited below, and Applicants' request for allowance is respectfully denied.

#### ***Response to Applicants' Amendment***

4. The Examiner withdraws the previous office action from consideration and any remaining arguments are considered moot in view of new grounds of rejection.

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***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura et al. (hereinafter Nishimura) U.S. Patent 5,913,912 in view of Richardson, Jr. et al. (hereinafter Richardson) U.S. Patent 5,625,785.

Regarding independent claim 11, Nishimura teaches a method for a computer-readable medium performing an audible announcement including the steps of sorting flight information in a database (column 5, line 9 thru column 6, line 3); retrieving flight information from the database (column 6, lines 38-50); sorting retrieved flight information into a desired sequence

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(column 6, lines 6-26 and column 14, lines 3-32); radio broadcasting the sequenced flight information (column 12, line 53 thru column 13, line 11); determining a process to terminate the program (column 11, lines 40-50); and verifying that the flight information is current before storing the information (column 14, lines 33-40).

Nishimura fails to specify radio broadcasting a standardized opening message to the customer. Richardson teaches a method to convert stored digital representations into analog audio signals (Abstract). The audio signals will provide a welcome message to a user accessing the system (column 11, lines 32-59). Therefore it would have been obvious to one of ordinary skill in the art, that the radio broadcasting teaching of Nishimura could be modified to include a welcome message when communicating to a user because welcome messages are common with interaction. There is sufficient motivation to combine the references, Richardson teaches radio broadcasting stored information such as airline flight information (column 4, lines 35-41) similar to the flight strip management method taught by Nishimura which also radio broadcasts flight stored information.

Claim 12, Nishimura teaches to begin processing when an operator inputs through an information display unit (column 38-50) and that termination is completed when an airplane arrives (column 7, lines 34-45). Nishimura fails to teach terminating the process by pressing a designated key and determining whether it has been pressed. Official Notice is taken that the use of keys for start/stop processing is old and well known in the art. Therefore it would have been obvious to someone of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Nishimura to include terminating the process by pressing a designated key and

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determining whether it has been pressed since that is the manner in which the process is started and it provides a common efficient manner to stop processing common to users of computers, radios, and phones.

Claim 13, Nishimura utilizes an information display device to display current flight information based on preset position and preset conditions. Nishimura fails to specify if the preset conditions include receiving the information within a predetermined period of time. Official Notice is taken that verifying data related to collection time is old and well known in the art. Therefore it would have been obvious to someone of ordinary skill in the art at the time of the Applicant's invention that the teachings of Nishimura could be modified to include verifying flight information based on a predetermined period of time because it is changing data and given enough time, will become obsolete thus requiring timely communication to fulfill customer needs.

Claim 14, Nishimura teaches retrieving flight information from a computerized reservation system and storing the flight information into a database (column 5, lines 55-62).

Claim 15, Nishimura teaches radio broadcasting by a user of the system to other users. Nishimura fails to teach converting the flight information retrieved into an audio format that the can be transmitted automatically. Richardson teaches a method to convert stored digital representations into analog audio signals that can be transmitted to users (column 4, lines 55-67). Therefore it would have been obvious to one of ordinary skill in the art, that the radio

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broadcasting teaching of Nishimura could be modified to include an automated method to take stored information and convert it into an audio file because it makes the system more efficient by eliminating the human element. There is sufficient motivation to combine the references, Richardson teaches radio broadcasting stored information such as airline flight information (column 4, lines 35-41) similar to the flight strip management method taught by Nishimura which also radio broadcasts flight stored information.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (703) 305-8130. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-1113.

Respectfully Submitted  
Stefano Karmis  
September 16, 2003

  
**HANI M. KAZIMI**  
**PRIMARY EXAMINER**